

In the Council Chambers of the Showers City Hall on Wednesday, May 21, 2014 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
May 21, 2014

Roll Call: Ruff, Sturbaum, Sandberg, Granger, Neher, Mayer, Rollo, Volan, Spechler.
Absent: None

ROLL CALL

Council President Neher gave the Agenda Summation.

AGENDA SUMMATION

There were no minutes for approval at this meeting.

APPROVAL OF MINUTES
REPORTS

Steve Volan announced he would be absent from council meetings in the month of June as he would be traveling across the country doing thesis research on large college towns.

- COUNCIL MEMBERS

Marty Spechler noted that Governor Pence had announced a new program this week – the Healthy Indiana Plan - to substitute for the expansion of Medicaid. Spechler said this program would supposedly cover up to 350,000 people who were in the gap of non-coverage, but it was yet to be seen if the plan would actually work because poor people would have to make monetary contributions to the plan. Spechler believed this was a palliative move, not a solution.

There were no reports from the mayor or other city offices at this meeting.

- The MAYOR AND CITY OFFICES
- COUNCIL COMMITTEES

There were no reports from council committees at this meeting.

President Neher called for public comment, but there was none.

- PUBLIC

There were no appointments to Boards or Commissions at this meeting.

APPOINTMENTS TO BOARDS AND
COMMISSIONS

It was moved and seconded that Ordinance 14-06 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of Do Pass 5-0-3.

LEGISLATION FOR SECOND
READING AND RESOLUTIONS

It was moved and seconded that Ordinance 14-06 be adopted.

Ordinance 14-06 To Rezone a 2.58 Acre Property from Residential Single-Family (RS) to a Planned Unit Development (PUD), to be Known as Bloomington Co-Housing, and Approve a Preliminary Plan and District Ordinance Re: 2005 S. Maxwell Street and 1325 E. Short Street (Bloomington Co-Housing LLC, Petitioner)

James Roach, Planning Department, gave a brief overview of the project. The Ordinance would approve creation of a new Planned Unit Development, a PUD District Ordinance and preliminary plan approval. In this co-housing project, homes would be clustered around a common green area and would include a “common house” for gatherings. Also, the ends of Short Street would be connected by a 12 foot wide alley, providing a desirable secondary access. Roach noted that the Plan Commission added ten Conditions of Approval before forwarding to the council with a unanimous recommendation for adoption.

Neher suggested that Reasonable Condition #03 be discussed separate from the project as a whole. It would remove the connection of Short Street as a requirement of the PUD.

Reasonable Condition #03 is sponsored by Councilmember Neher. It would strike Condition of Approval #7 (regarding Short Street) and remove the connection of Short Street as a requirement of this PUD.

Rollo asked what the specific requests of the Fire Chief were regarding this connection. Tom Micuda, Planning Department Director, indicated that the alley-style connection was not a request from the Fire Chief, but rather a recommendation from the Planning Department after consulting with emergency services, public works and engineering staff, the Mayor’s office, and the Petitioner.

Mayer asked if Maxwell Street served as a sufficient primary access. Roach answered that it did, and that the connectivity of Short Street would offer a secondary access. Mayer inquired about the engineering standards of the proposed connector. Roach replied that it had not been designed yet and would not be built before Phase III of the project.

Granger asked who would design the alley-style connection. Micuda replied that the developer's engineer would design the proposal based on city specifications, then it would be reviewed by the city.

Ordinance 14-06 (cont'd)
Reasonable Condition #03 (cont'd)

Sturbaum asked about sidewalks for pedestrians. Micuda pointed out that the alley-style connection should be safe for walkers and bikers.

Spechler speculated that the connected street would not be very attractive unless it was leveled out considerably with adequate drainage installed.

Sandberg cited concerns about the drainage issue, and asked who was the engineer on retainer. Marc Cornett responded on behalf of the petitioner's engineer, Kevin Potter. Cornett stated that the low wet area would not be radically changed and that the natural drainage swale would be allowed to continue to function largely as it does now.

Volan asked about the history of the easement or right of way through this area. Planning staff replied that it was platted around 40 years ago with the intention of eventually building a street through the sub-division, but there had been no development activity to trigger that extension.

Neher resumed discussion of the connectivity issue. Micuda said that connectivity was desirable for a number of reasons, and that – because this was a low density area - the alley-style connector would serve appropriately for secondary access and for basic local transportation.

Rollo wanted to concentrate on emergency vehicle services and the safety issues involved. Micuda responded that having secondary access was highly preferable over a single access option on any given project.

Volan questioned why the recent Habitat for Humanity project was approved with single access only. Micuda reviewed the approval process that occurred and cited the hundreds of thousands of dollars that a secondary access would have added to the cost.

Sturbaum asked about how public services such as trash removal and snow plowing had occurred in that area up to now. Roach explained how Maxwell Street was currently used for those services and added that building a connection through this development would make delivery of public services much easier.

Public Comment:

Linda Mjolsnes, retired Bloomington Montessori School (BMS) employee of more than 40 years, expressed concern about the safety of the children who used the Montessori School playground, which was accessed by crossing Short Street. The playground was used three times per school day by students age 6 to 12 years, as well as on weekends and during after-school programs. If the Short Street connector was developed, Montessori would be forced to fence their playground and construct an underpass or bridge over Short Street to safely move children from the school to the playground. None of these measures were financially feasible, nor would they guarantee the safety of the children.

Tavia Hearn, also from BMS, asserted that the construction of a vehicular throughway on Short Street would jeopardize the safety and welfare of the pedestrians and cyclists who used the path there to access the YMCA facilities. She stated that driver convenience was not more important than child safety.

Dan Fitzsimmons, whose children attend BMS, asked if the consultants on the project were aware that the creation of the proposed secondary access would bisect the school's playground.

Margie Schroeder also spoke on behalf of BMS parents. She expressed concern about vehicles speeding recklessly on the proposed alley way, putting children at risk of serious harm. In general, most parents and staff

Ordinance 14-06 (cont'd)
Reasonable Condition #03 (cont'd)

were supportive of the co-housing project, but not the Short Street connector.

Alison Chopra wanted to be sure that the needs of people with wheelchairs and/or service animals were being considered in light of the increased traffic that the street extension would bring.

David Weigand, parent of two children at BMS and employee of the after-school program, expressed concern about the safety of the many children who used the undeveloped portion of Short Street to access the BMS playground if the connector was to be built.

Siri Terjesen, BMS parent, spoke against the proposed construction of a Short Street connector citing how dangerous the traffic would be for children in the area.

Laura Hannah referenced her experience as an emergency service responder and as a mother of three BMS students. She was highly concerned about the increase of pedestrian, bicycle and auto traffic if Short Street were to go through. She also asserted, as a former fire fighter, that having secondary access was not a necessity for this project.

Phaedra Pezzullo and her young son expressed concern about the potential danger of car traffic if Short Street was built through. They also spoke in favor of the co-housing concept in general.

Roxanne Smith, BMS parent, acknowledged that having Short Street connected would be a convenient shortcut for drivers, but a hazard for children in the area.

Brian Smith, BMS parent, said the proposed throughway would increase dangerous driving and encourage speeding, and would create a serious hazard for the children at BMS.

Minette Wolf, mother of two children at BMS, stated that even increased bicycle traffic would pose potential danger to children who crossed between the school and the playground. She opposed the proposal for the alleyway, especially since it was not necessary for emergency services.

Council Questions:

Volan inquired about methods that could be used to reduce traffic speed in alleys. Micuda explained various options that had been used on other projects for traffic calming.

Spechler asked who requested that Short Street be connected within this project. Micuda answered that it was a recommendation of Plan staff and City administration. The Petitioners were concerned about the cost involved.

Sandberg asked if representatives from BMS were involved in discussions with the Planning Commission regarding the issue of connecting Short Street. Roach replied that the school was notified of the hearings, but no BMS representatives participated.

Rollo asked if the administration could bring forth the request again if council voted tonight not to require the Short Street connection. Micuda answered that it could be done, but that it was unlikely to happen.

Volan posed a question to representatives from BMS regarding the location of the school playgrounds. It was explained that the lower playground was used by 6 to 12 year olds and that the upper playground was used by preschool age children.

Spechler asked about the 2 ½ hour after-school program and restroom provisions. All present agreed that children were likely to pay less attention to traffic hazards while experiencing urgency to relieve themselves.

Council Comments:

Volan asked why the parents of BMS students just found out about the proposal today, and suggested postponing the council decision on Reasonable Condition #03 to allow for more deliberation. He also suggested that a crossing guard may be sufficient to ensure children's safety, rendering an underpass or bridge over the Short Street connector unnecessary.

Rollo said he generally supported connectivity, but that there were exceptions to the rule. He tended not to be in favor of requiring a throughway for auto traffic within this PUD proposal, but would like to revisit the issue in the future.

Spechler commented that he would not support putting children at risk by connecting Short Street for vehicular traffic, especially since Maxwell Street provided sufficient access for emergency services. He supported removing the connection of Short Street as a requirement of this PUD.

Granger was very supportive of the Co-Housing PUD but wasn't convinced that connecting Short Street would be beneficial. She expressed her approval of Reasonable Condition #03.

Ruff asserted that a crossing guard would not solve the safety problem in this situation. He appreciated Planning staff's adherence to the principles of the GPP regarding connectivity, but he leaned toward support of the motion in this particular situation.

Sturbaum pointed out that cul-de-sacs had the same issue regarding no secondary access for emergency vehicles. He supported removal of the Short Street connection as a requirement of this PUD.

Sandberg referred to the GPP as a guiding document but emphasized the importance of looking at the context instead of being overly rigid. Her desire was to support approval of the Co-Housing PUD without requiring connectivity on Short Street.

Mayer spoke in favor of connectivity in general but acknowledged that there was a lot of concern about children's safety if Short Street was built through. He suggested that the City explore vacating this parcel of land and giving it to BMS.

Neher pointed out that the issue of connecting Short Street could be revisited in the future – if conditions changed - should the Council approve the motion tonight.

Volan expressed feeling infuriated when petitioners were considered more important than the public as a whole. He said that the GPP should be adhered to more stringently, and that there should be fewer exceptions based on sympathy for petitioners. He did not support approval of the Reasonable Condition #03.

The motion to approve Reasonable Condition #03 from Ordinance 14-06 received a roll call vote of Ayes: 8, Nays: 1 (Volan).

There was no public comment on Ordinance 14-06 as amended.

Council Comments:

Rollo praised the "public good" value of the co-housing design and wished the petitioners success.

Spechler said that this was a wonderful project, but that not everybody would want to live there.

Ordinance 14-06 (cont'd)
Reasonable Condition #03 (cont'd)

Vote on Reasonable Condition #03

Ordinance 14-06 as amended 1.

Mayer pointed out for attendees that there was a long discussion about the project last week, and he thanked the petitioners for bringing it forward.

Ordinance 14-06 as amended (cont'd)

Sturbaum referred to the project as fantastic, exciting and good work for the area. He also thanked Planning staff for doing a heroic job.

Rollo thanked the staff who worked on this "out of the box" proposal.

Sandberg thanked the petitioners and the staff for the remarkable thoughtfulness that had gone into this project. She also praised the councilmembers for their willingness to make exceptions when conditions warranted it.

Volan commended the petitioners for the holistic nature of the co-housing design and thanked the staff for their good work. He was not in favor of deeding over the right of way to BMS as was suggested earlier.

Neher thanked the petitioners for their outreach to council early on in the process and for their persistence.

The motion to approve Ordinance 14-06 received a roll call vote of Ayes: 9, Nays: 0

Vote on Ordinance 14-06 as amended.

There was no legislation for first reading at this meeting.

LEGISLATION FOR FIRST
READING

There was no public comment at this portion of the meeting.

PUBLIC COMMENT

Dan Sherman, Council Attorney/Administrator, noted that there was an Internal Work Session scheduled for Friday, May 23, 2014.

COUNCIL SCHEDULE

President Neher announced that there would be a Special Session of the council to be held on May 28, 2014 at 7:30 pm.

The meeting was adjourned at 9:48 pm.

ADJOURNMENT

APPROVE:

ATTEST:



Darryl Neher, PRESIDENT
Bloomington Common Council

~~Regina Moore, CLERK~~ Andrew Larabee
City of Bloomington Deputy Clerk